



Lamoine Board of Selectmen

606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242
town@lamoine-me.gov

Minutes of June 26, 2008

Chair Jo Cooper called the meeting to order at 6:28 PM

Present were: Selectmen S. Josephine Cooper, Brett Jones, Richard Fennelly Jr., Chris Tadema-Wielandt, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Code Enforcement Officer Dennis Ford, Animal Control Officer Michael Arsenault (6:50 PM). Following the close of the executive session the following were also present: Matthew & Madison Jones, School Committee members Robert Pulver, Christina Maguire-Harding, Kathleen Rybarz, Budget Committee members Robin Veysey, Henry Ashmore, Joseph Young, Reggie McDevitt, Merle Bragdon, Deputy CEO Michael Jordan, and Cathy Smeal.

Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) to discuss a job performance review and interview a job applicant. Chris 2nd. **Vote in favor was 5-0 at 6:30 PM. Out at 7:10 PM**

The regular meeting came to order at approximately 7:12 PM. The meeting was televised on Lamoine Cable TV Channel 7 and recorded onto DVD.

Agenda Review – Jo said she would like to move a pair of items on the addendum to the Treasurer's report section. Cynthia said she would like to move the school consolidation report to earlier in the meeting as she had to leave early. She also said she would like to schedule a contract workshop in September.

Minutes of June 12, 2008 – Stu noted Chris turned in several minor corrections earlier in the day. Richard moved to approve the minutes with the corrections. Jo 2nd. **Vote in favor was 4-0, Donaldson abstained.**

Chris moved to approve the June 16, 2008 special meeting minutes as presented. Richard 2nd. **Vote in favor was 4-0, Donaldson abstained.**

Contract Workshop- Cynthia said she would like to propose that the board hold a contract workshop at one of the meetings in September in order to review employee contracts and negotiate before budget season. Jo suggested that could be the first meeting in September. There was no objection from the rest of the board.

School Consolidation – Cynthia reported that the Regional Planning Committee (RPC) met on Monday night (6/23/08). She said the RPC has gotten to know and trust each other and that is positive for the soon to be former Union 92 members. She said Trenton has opted to join Union 98 while Surry will be going with the

Blue Hill area. She said the rest of the group decided the best option was with Ellsworth. She said the Department of Education (DOE) decided that Union 92 could not remain intact as an alternative organizational structure (AOS) for a variety of reasons. She said the DOE was not at all supportive of an AOS. She said if Union 92 were to pursue the AOS idea, it would be very expensive and lengthy. She said the vote to join with Ellsworth and Union 96 (Sullivan area) will come back to the Lamoine School Committee.

Chris asked if there was no effect from all the work the RPC had done. Cynthia said the small schools are committed to the towns maintaining their own buildings. She said the RPC was staying on top of things that were important to small schools. She said they're still in a good position to keep talking. Brett asked what the power sharing set up would be. Cynthia said she would defer to the school committee. She said Ellsworth has voted to work with Union 96 as of Tuesday, June 24, 2008. She said our proposed inclusion was too much for them to consider at that meeting. She said the RPC's work is done.

Brett asked if the AOS idea has had any stumbling block common throughout the state. Christina Maguire-Harding said she did not know of any successful ones. She said she did meet with DOE Commissioner Susan Gendron and stressed that Union 92's proposal was a great structure and it was not going about business as usual. Ms. Maguire-Harding thanked the RPC for its work and said they're now moving forward and the school system needed that. Cynthia said people were demoralized about the rejection of the AOS proposal. She said it was discouraging to have the rug pulled out from under you.

Treasurer's Report – Selectmen signed expenditure warrant 26 for \$45,765.34. Stu reported there would be a warrant 27, and he would let the Board know when that was ready to be signed. Chris asked about the certified mail bill attributed to the Planning Board. Stu reported that he has billed the developers.

Encumbrance Order – Jo moved to sign the order. Richard 2nd. **Vote in favor was 5-0.** Selectmen signed the order.

Tax Lien Filing – Cathy Smeal – Stu reported that he had prepared a memo to the Board on the issue, and that Ms. Smeal was in the audience tonight.

Jo said she understands that it was a small amount of unpaid tax, and the system kicks in automatically. She said the Board ought to revisit the amount at which the tax lien process begins. She said she could sympathize, and asked Ms. Smeal to tell what happened from her point of view.

Ms. Smeal said she was very upset that she got a letter from her bank that the town had put a lien on her house. She said her bill-pay service had held the check for 8-days and she didn't know there had been a late fee. She said the letter from her bank was the first time she'd heard that her taxes were unpaid.

Stu said he believed the staff most likely sent Ms. Smeal a receipt indicating the balance due when the tax payment was received. He said the original copy of that receipt was nowhere in the town hall, and that would indicate it had been sent to Ms. Smeal last November. Jo asked why Ms. Smeal wouldn't know the bill was unpaid until now. Stu said the town sent the required 30-day notice on May 8th, but Ms. Smeal never claimed her certified mail. Ms. Smeal said she hates seeing a lien for \$2.07. She said she's lived in town for 30-years and she was really upset.

Jo said the certified letter is an attempt to get notice to the taxpayer. She said in this case, where it was a small amount of money, it seems really tough. She said the system kicked in, and she would like to address the small amount. She said the town tried to notify Ms. Smeal and certified mail is the best means. Jo said there are a lot of transactions going on, and it is unfortunate the certified mail did not work.

Chris suggested that a follow up by regular first class mail at the same time as the certified letter would help prevent this from happening. Jo said she would like to improve the system. Richard said he'd like to see \$100 put aside to apply to cases like this. Jo said perhaps the town could look at a different system. She said Ms. Smeal has to look at it from the other point of view, even though it might seem like a petty amount. She said it's up to the Board to set up some system. She told Ms. Smeal that if she had a complaint with the town office staff, she should not yell at them. She said Ms. Smeal was doing the right thing to come to the Board. Ms. Smeal said she hates to see this happening. She asked how long it took to create the paperwork.

Chris noted that by law, the tax collector is personally liable for unpaid amounts. Mrs. Maguire-Harding asked if the unpaid amount was a balance of interest on the tax. Stu said on late tax payments, the interest is collected first, and in this case, the unpaid tax amount was the same amount as the interest.

Jo said the first-class letter idea has some merit. She said given the fact there was a snafu, she's willing to waive the fees, but the Board would like to look at the system that is in place. She said there needs to be a process for small amounts. Brett noted that Stu generally will write off interest when one dollar or less is due, and the tax is otherwise paid in full.

Jo moved to waive the fees and interest as long as the taxes are paid in full. Richard noted that Ms. Smeal would have to pay the \$2.07, and 2nd the motion. Jo said the motion was for this instance only. Brett asked what would determine the next case. He said there is a system in place. Chris said he was troubled by setting a precedent. He suggested tabling the motion until the Board could craft a policy. He said Ms. Smeal could pay the tax, fees and interest and if the Board votes to waive the fees, she could be reimbursed. Brett said he was not opposed to providing relief, but it needs to be an equally applied standard. He said a policy should be developed first. Richard said there was another bill that is less than \$10, and it's ridiculous to put the lien charges on for this amount. Cynthia said there needs to be some work on communications. Jo said there could be a motion to table her motion. Chris moved to table. Brett 2nd. **Vote was 2-2 (Donaldson abstained) motion to table failed.**

Michael Jordan said the town has a policy and Ms. Smeal was in violation of the policy, so she should pay. Richard said he did advise Ms. Smeal to appeal for an abatement of the fees. Brett said there is a policy to follow. Ms. Smeal asked whether a signature is required on the receipt of 30-day notice in order to proceed to lien. Stu said no signature is required, the town is only required to send the notice.

Cynthia asked how the Board could consider making a policy that is retroactive. Brett said he would recommend that Ms. Smeal file for an abatement and that the Board search for an appropriate number to include in a policy. He said he has no problem granting relief. There was a brief discussion about how cumbersome the lien process is. Merle Bragdon asked if a receipt is sent to people who pay by mail. Stu said yes, if a self-addressed, stamped envelope is enclosed.

Jo said she would like to withdraw her motion. Richard said he would withdraw his 2nd. Jo moved to instruct Stu to draft a policy in regard to minor amounts of unpaid taxes and the tax lien process. Richard 2nd. **Vote in favor was 5-0.**

Ms. Smeal verbally requested an abatement from the fees and interest on her tax lien. Jo moved to approve that request. Richard 2nd. **Vote in favor was 4-1, Tadema-Wielandt opposed.**

Town office renovation bids – Selectmen opened the 3 bids received and read them aloud as follows:

Bidder Name	Location	Bid Amount
AA Randall	Glenburn	\$21,800
Union River Builders	Waltham	\$46,000
Cadillac Builders	Bar Harbor	\$31,273.27

Jo asked if the Board could get references. Cynthia said she knows the money was allocated at the town meeting, and that the project is not being paid from property taxes, but going ahead with the project in light of the budget crisis makes her feel uncomfortable. Richard said he would check out information on Randall. Brett said he had a feeling the bids would come in high, and that the idea of shaving pennies off the budget came up. He said the work is for safety issues. Jo said the town is at the point that some money has to be put into the building. Richard asked what the budget was. Jo said \$25,000. There was a brief discussion on what the flooring cost is. Mr. Jordan said he estimated \$15,000 in material costs alone.

Chris moved to table the award. Richard 2nd. **Vote in favor was 5-0.**

Cynthia left the meeting at 8:05 PM. She noted she supports the budget committee recommendations on the municipal budget.

There was a discussion about the municipal budget and proposed changes to offer to town meeting in order to seek tax relief. Henry Ashmore explained why the Budget Committee was recommending the reduction in the road fund account and the use of more undesignated fund balance. He said the Budget Committee recognized the tax impact was no fault of the school committee and that the revenues have been greatly reduced, thus increasing the taxpayer burden. He said if the town can look at the municipal side without hurting anything, it would help reduce the amount of the tax increase. Richard said in running the numbers, it looks like there would be about a 29-percent tax increase if the proposed articles pass.

There was discussion about the proposed article to allow for two property tax payments a year.

School Budget Articles – Mrs. Maguire-Harding said they cut \$5,900 from maintenance to the athletic fields, \$1,440 from uniforms in extra-curricular, reduced the Phys Ed teacher by 1-day a week which, after complying with the Union contract, would save \$6,138. She said co-curricular cuts would save \$4,010, and transportation contract changes would save \$3,000. She said there is now a small balance forward total of \$5,200. She said the total savings package still includes reducing the music teacher to 4-days a week, the principal to 4-days a week, the nurse to 1-day a week, and the librarian to 1-day a week. She said those changes were in the original budget that passed in May, but was rejected at the validation referendum.

Brett asked if Phys Ed was cut. Mrs. Maguire-Harding said it was to 4-days a week. She said extra curricular activities were left in. There was a brief

discussion about the co-curricular budget. She said the total local appropriation for education would be \$2,092,080.06.

Dr. Ashmore asked Budget Committee member Reggie McDevitt if he was comfortable with the school department's proposal. Mr. McDevitt answered that he was. Dr. Ashmore said the Budget Committee recommends the same amounts as the school committee. Jo said this took a lot of hard work and she appreciated it. Stu asked if the school department was planning any public relations campaign. Mrs. Maguire Harding said they are doing publicity for both the open meeting on July 9, 2008 and the validation referendum on July 15, 2008. She said they're working on an informational flyer. The meeting recessed briefly so that Stu could redraft the town meeting warrants.

After returning, Selectmen signed the warrants for the July 9, 2008 town meeting and the July 15, 2008 validation referendum. Stu asked if the school committee had discussed having an advisory question on the ballot. After a brief discussion, the committee said they would like to have an advisory question if possible.

Septic System-School – Stu explained that a neighbor of the school was upset at how close the septic system was coming to their land. Richard reported he met with that neighbor the night before. He said he spoke with Plumbing Inspector Dennis Ford earlier in the day and that Mr. Ford believed the permitting issue was a state matter. Mrs. Maguire-Harding said the situation is now under control, and the tree line will not move any further toward the neighbors, and that the septic system will be shifted closer to the school.

Retirement Certificates – Selectmen signed certificates thanking Allen Sternfield, Joseph Young, Stuart Branch, and Donna Theall for their many years of service to the town.

Appointments - The following appointments were made:

Name	Position	Moved	2 nd	Vote
Dennis Ford	Code Enforcement Officer	Jo	Brett	4-0
Dennis Ford	Local Plumbing Inspector	Jo	Brett	4-0
Dennis Ford	Building Inspector	Jo	Brett	4-0
Michael Jordan	Deputy CEO	Jo	Chris	4-0
Michael Jordan	Deputy LPI	Jo	Chris	4-0
Michael Jordan	Deputy Building Inspector	Jo	Chris	4-0
Dennis Ford	Road Commissioner	Jo	Chris	4-0
Merle Bragdon	Budget Committee	Jo	Chris	4-0
John Holt	Planning Board	Jo	Richard	4-0

David Schick	Conservation Commission	Jo	Chris	4-0
--------------	-------------------------	----	-------	-----

Selectmen signed the appointment papers.

Contracts – After a moderate amount of discussion, several changes were proposed to Stu's contract. Jo moved to sign the contract as revised. Chris 2nd.
Vote in favor was 4-0

Name	Moved	2 nd	Vote
Jennifer Kovacs	Jo	Richard	4-0
Kathleen DeFusco	Jo	Chris	4-0
William Fennelly (Probationary)	Jo	Brett	3-0, Richard abstain
Dennis Ford	Jo	Richard	4-0
Michael Jordan	Jo	Richard	4-0

Selectmen signed the contracts.

Veterans Memorial – Jo said the committee met the previous night, and they're waiting for the concrete to be poured, possibly in a week or so. Stu noted that he has secured the Fletcher's Landing Philharmonic Orchestra to play for the dedication party on the 13th of September.

Transfer Station Survey – Chris moved to ask MRRA to include Lamoine in the survey of transfer stations. Richard 2nd. **Vote in favor was 4-0.**

Mileage Rate – Jo moved to sign the proposed policy setting the mileage reimbursement rate at \$0.46 per mile. Richard 2nd. **Vote in favor was 4-0.**

The revised flag policy was signed by Selectmen, a vote having been taken at a previous meeting to display the flags from Memorial Day to Labor Day.

Town Office – July 5th - Stu noted Clerk Jennifer Kovacs would close the Town Office on the 5th but open it on the 12th.

Lamoine Quarterly – Stu said the 1st two pages were done. He said he'd like to get it printed next week in time for the town meeting.

Bloomfield Park Road – Selectmen reviewed the specifications and request for bid and made some minor corrections.

Right to Know Law Training – The training for this will be at the July 17, 2008 meeting.

Next Meeting – The next regular meeting will be July 17, 2008.

Request to use the town hall for a yard sale - Stu reported the Ellsworth Girl's Soccer Team had requested whether the town hall lot would be available to hold a yard sale some Sunday this summer. After a brief discussion, Selectmen expressed concern about the safety of the area. It was suggested another location might be more suitable. Stu said he would communicate that to the person who asked.

Executive Session – Chris moved to enter into executive session pursuant to 1MRSA §405(6)(a) to discuss a personnel matter. Brett 2nd. **Vote in favor was 4-0 at 9:35 PM. Out at 10:10 PM**

The Board agreed to meet further on the matter as time allowed next week.

Jo moved to appoint Michael Arsenault as the Animal Control Officer. Brett 2nd. **Vote in favor was 4-0.**

There being no further business, the meeting adjourned at 10:13 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.